

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARVIN G. HOLLIS,

No. C 08-3154 TEH (PR)

Plaintiff,

v.

ORDER GRANTING EXTENSION OF
TIME TO RESPOND TO MOTION TO
DISMISS AND STAYING DISCOVERY

DEBRA HERRICK, L.P.T., et al.,

Defendants.

_____ /

Plaintiff Marvin Hollis, a prisoner currently incarcerated at California State Prison - Sacramento ("CSP-Sacramento") in Sacramento, California, filed a pro se civil rights Complaint under 42 U.S.C. § 1983. Doc. #1. On February 23, 2010, the Court dismissed this action. Doc. #37. In dismissing the action, the Court found that Plaintiff's Complaint failed to state a First Amendment claim against defendants Schlitz, Selby and Rankin. The Court dismissed defendant Herrick as a defendant because the summons served on Defendant Herrick was returned unexecuted. See Doc. #37 at 2 fn. 1 (citing Doc. #12).

On July 5, 2011, the Ninth Circuit Court of Appeals


1 affirmed the dismissal of the retaliation claims against defendants
2 Schlitz, Selby and Rankin for failure to state a claim. The Ninth
3 Circuit vacated and remanded for the district court to consider
4 Plaintiff's allegations that he was denied his due process rights
5 and whether there was good cause for the failure to serve defendant
6 Herrick, or whether, absent good cause, an extension was warranted.
7 Doc. #43. Accordingly, this case was reopened.

8 Plaintiff has filed a motion to reopen this case. Doc.
9 #51. Defendants have filed a motion to revoke Plaintiff's in forma
10 pauperis status, a renewed motion to dismiss, and a motion to stay
11 discovery pending the resolution of the renewed motion to dismiss.
12 Doc. #48. Plaintiff seeks a 30-day extension of time to file his
13 response to Defendants' motion to dismiss. Doc. #52.

14 Plaintiff's request for an extension of time is GRANTED.
15 Doc. #52. Plaintiff shall file his opposition to the renewed motion
16 to dismiss by July 31, 2012. No other extensions of time will be
17 granted. Plaintiff's request to reopen this case is DENIED as moot.
18 Doc. #51. Defendants' motion to stay discovery pending the
19 resolution of the renewed motion to dismiss is GRANTED. Doc. #48.
20 The Court will address all other pending motions after deciding the
21 renewed motion to dismiss.

22 IT IS SO ORDERED.

23
24 DATED 06/19/2012



THELTON E. HENDERSON
United States District Judge